

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 SPARKNET HOLDINGS, INC., a Nevada
12 corporation, SPARKNET
13 COMMUNICATIONS, L.P., a Nevada
partnership,

Case No.: CV 08-08510 GHK (PLAx)

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
RECONSIDERATION AND
DENYING DEFENDANT ROBERT
PERRY'S MOTION FOR
DISQUALIFICATION**

14 Plaintiffs.

V.

17 ROBERT PERRY, an individual, KRIS
18 SWEETON, an individual, INDIE
19 RANCH MEDIA, INC., a Colorado
20 corporation, NETMIX BROADCASTING
21 NETWORK, INC., an unknown entity,
and JOHN DOES 1-5;

Defendants.

1 Plaintiffs SparkNet Holdings, Inc. and SparkNet Communications, L.P.'s
2 Motion for Reconsideration came on regularly for hearing on August 24, 2009 . After
3 consideration of the moving and opposition papers and all other matters presented to
4 the Court,

5 **IT IS HEREBY ORDERED THAT:**

6 Plaintiffs' Motion for Reconsideration is granted. The Ninth Circuit's opinion in
7 *Christensen v. United States Dist. Court for Cent. Dist.*, 844 F. 2d 694, 698 (9th Cir.
8 1988) controls in this case, rendering the "substantial relationship" test inapplicable.
9 The issue, therefore, is whether Perry had any reason to believe that any confidences
10 shared with Derek Newman would *not* be shared with Plaintiffs. The undisputed
11 answer in the record is that Perry was not entitled to any such belief. In fact, the record
12 is clear that Newman's prior joint representation of Plaintiffs and Perry was for the
13 express purpose of sharing information between Plaintiffs and Perry. For that reason,
14 Perry's Motion to Disqualify must be denied.

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Dated: _____

18 Honorable George H. King
19 United States District Judge

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Respectfully Submitted:

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By: /s William A. Delgado _____.

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William A. Delgado

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Attorneys for Plaintiff

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SparkNet Holdings, Inc. and

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SparkNet Communications, L.P.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically lodged the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Electronic Service List for this Case.

Respectfully submitted this 28th day of July 2009.

WILLENKEN WILSON LOH & LIEB LLP

By: /s William A. Delgado
William A. Delgado
Attorneys for Plaintiff
SparkNet Holdings, Inc. and
SparkNet Communications, L.P.